

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kevin Rodewald,

Civil No. 08-5911 (RHK/SRN)

Plaintiff,

ORDER

v.

Michael J. Astrue, Commissioner of Social Security,

Defendant.

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson. No objections to the Report and Recommendation were filed within the requisite time period. Accordingly, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 27) is **ADOPTED**; and
2. Plaintiff's Motion Concerning Plaintiff's Application for Attorney Fees and Costs Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. No. 18) is **DENIED WITHOUT PREJUDICE.**

Dated: September 29, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge